

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

YAN, Suen Ching

Serial Number: Filed Herewith

Examiner: Not yet known

Filed: Filed Herewith

Art Unit: Not yet known

For: LIGHTED HEADWEAR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Re: Petition to Make Special

**PETITION TO MAKE SPECIAL FOR NEW APPLICATION
UNDER M.P.E.P. ' 708.02, VIII, ACCELERATED EXAMINATION**

Dear Sir:

Applicant hereby petitions to make this new application, which has not received any examination by the Examiner, special. Applicant has conducted a pre-examination search and seeks to expedite examination of the present application.

All the claims in this case are directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse, upon being advised by the USPTO, as a prerequisite to the grant of special status.

A search has been made by a professional searcher in the following classes and subclasses:

362/106, 107; D2/866, 2/195.1, 906; 362/105, 191; and D2/866.

There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims. These include:

| <u>PATENT NUMBER</u> | <u>INVENTOR</u> | <u>DATE OF ISSUE</u> |
|----------------------|-----------------|--------------------------|
| 2002/0159249 A1 | Mickey | 10/31/2002 (Publication) |
| Des. 407,187 | Makki | 03/30/1999 |
| 6,461,015 | Welch | 10/08/2002 |
| 2002/0118533 A1 | Marston | 08/29/2002 (Publication) |
| 6,168,286 B1 | Duffy | 01/02/2001 |
| 6,056,413 | Urso | 05/02/2000 |
| 6,032,293 | Makki | 03/07/2000 |
| 5,845,987 | Painter | 12/08/1998 |
| 5,741,060 | Johnson | 04/21/1998 |
| 5,680,718 | Ratcliffe et al | 10/28/1997 |
| 5,541,816 | Miserendino | 07/30/1996 |
| 5,510,961 | Peng | 04/23/1996 |
| 5,404,593 | Kronenberger | 04/11/1995 |
| Des. 318,338 | Mitchell | 07/16/1991 |

| <u>PATENT NUMBER</u> | <u>INVENTOR</u> | <u>DATE OF ISSUE</u> |
|----------------------|-----------------|----------------------|
| 4,991,068 | Mickey | 02/05/1991 |
| 3,032,647 | Wansky et al. | 05/01/1962 |
| EP 1,072,204,A2 | Lim, et al | 01/31/2001 |

DETAILED DISCUSSION OF THE REFERENCES

Set forth below are detailed descriptions of the patents deemed most closely related to the claims of the present invention and having the most applicability to patentability thereof. Upon review of the following, Applicant believes that the Examiner will agree that these references do not defeat patentability of Applicant's claims and that Applicant's claims should be allowed.

US 2002/0159249A1

This patent publication is directed to a cap having a crown and a bill, and a light structure rotatably fixed to a point on the bill. Rotation to a forward-facing direction for the light results in contacting a contact point that closes a circuit, thereby supplying power to the lamp in the rotatable light structure. The light is used for nighttime activities, such as fishing, when light is needed and a light-weight hat is desired. Applicant's invention differs in the unique method of coupling the applicant's light to the crown of the cap or hat.

Des. 407,187

This patent is directed to the ornamental design for a cap with lights but has no disclosure of applicant's inventive mechanism for attaching a light to a cap or helmet.

6,461,015

This patent is directed to a flashing light source mounted to rotate or fixed to the top of a

hat or helmet. The light provided shines out throughout a full 360 degree circle around the wearer to signal and warn people of the presence of the wearer or of danger. In a preferred embodiment the lamp may be a single lamp formed as a circular xenon flash lamp or a bulb or flash tube with a reflector that rotates to traverse the entire 360 degree circle around the wearer. However, this patent does not teach the specific means of coupling a light source to a cap or helmet as contemplated by applicant's invention.

2002/0118533 A1

This patent publication is directed to a combination cap and shoe set is provided wherein each of the cap and shoe include illuminated regions. For example, the brim of the hat may be illuminated in its entirety in a particular color and the sole of the shoe may be illuminated in a complementary color such that a person wearing the cap and shoe of the invention in low light situations may be readily visible. In contradistinction applicant's invention is directed to a single light member uniquely associated with the crown of the cap or helmet.

6,168,286

This patent is directed to a novelty light for baseball style sports releasably attachable to the brim of the cap and positioned to illuminate the front of the crown or head covering portion of the cap. A sports team insignia is preferably attached or attachable to the crown in the area of illumination. The light is arranged to flicker or flash on and off at a high rate and may be contained in a housing appropriate to the sport associated with the team insignia. In contradistinction applicant's light is permanently secured to the cap or helmet in a specific manner.

6,056,413

This patent is directed to a cap lamp which includes a baseball-style cap having a visor with an underside substantially defined by a concave visor reflector. A light source is pivotally supported under the visor for directing light at selectively adjustable angles. A first hood partially surrounds the light source for shading a user's face from light coming directly from the light source. The hood has an upward lateral opening to emit light toward the visor reflector for flooding the immediate vicinity of the user with visor reflected light. A frontal opening of the hood is provided for emitting a light beam forward of the visor. A concave hood reflector, within the hood, is provided for increasing the light directed to and reflected by the visor reflector. A second hood, is supported to rotate about the first hood between open and closed positions for selectively inhibiting light communication with the visor reflector. An arcuate strip is hidden within the cap to support a battery holder, which is electrically connected to the light source for energizing the same. In contradistinction, applicant's light source is secured to the crown or top of the helmet in a manner neither disclosed nor suggested by this patent.

6,032,293

This patent is directed to an ornamental circuit accessory for use with a hat. The ornamental circuit accessory has light emitting diodes for being mounted on the hat for being viewed by individuals viewing the hat and the terminals of the diodes and the circuitry for controlling the diodes are adapted to be concealed within the hat by the person wearing the hat. The control circuitry includes an electronic clock which sends electric pulses to an electronic counter, the output of which passes through a decoder that controls which diodes are sequentially illuminated (Example Only) for providing a type of additional ornamentation for the wearer of the

hat. Applicant's invention is different in the matter of attachment of the light source to the cap or helmet.

5,845,987

This patent is directed to an illuminated accessory and device including a hat that has a panel attached to the front section of the crown of the hat. The panel has indicia formed from a silk-screened polymer film overlay. The panel is formed of a flat electro-luminescent lamp that has the shape of the indicia and provides illumination. The lamp has a ribbon extension to a female connector. Included is an inverter positioned within the pouch of the crown of the hat. The inverter has a male connector at one end to couple with the female connector of the lamp. The inverter is in connection with a switch and power source. The inverter is adapted to supply AC line current from the power source to the panel for illumination of the indicia. Alternative embodiments of the present invention are also enclosed. Applicant's invention differs in that a panel is not utilized, but rather employs a single light source affixed in a specific manner to the crown of the cap or top of the helmet.

5,741,060

This patent is directed to a combination baseball style cap and light assembly, wherein the cap has a crown, a bill extending from the crown, a sweatband liner circumscribing the bottom edge of the cap, and a reinforcing crown liner, has a double light and switch assembly comprising two lamp sockets affixed to a mounting plate on each side of a sealed sub-mini micro switch also affixed to the mounting plate. The plate is in turn affixed to the underside of the bill of the cap, two lamp sockets affixed to the mounting plate such that their axes decline at an acute angle to the plane of the plate and converge at an acute angle to a line perpendicular to the front edge of the

plate, setting the focal point of the lamps at a predetermined location directly out from and generally equidistant between the wearers eyes. A micro switch is affixed to an integral mounting flange on the mounting plate located approximately on the centerline of the mounting plate between the two sockets. First and second battery holders are each affixed respectively to each side of the center line of the top edge of the reinforcing element of the crown of the cap and the top edge of the crown of the cap, and a circuit electrically couples the micro switch, the lamp sockets and the battery holders. In contradistinction, applicant's light is affixed in a specific manner to the crown or top of the cap or hat.

5,680,718

This patent is directed to the front end of a body portion on a hat (e.g. cap) which may be continuous and the rear end which may have separable sections. The hat may have a visor to form a cap defined by two (2) cloth layers separated by a backing member (e.g. cardboard). The backing member and the visor lower layer may have matching apertures to receive a module defined by a container and a cover pivotable on the container between open and closed positions. A switch, a battery and a printed circuit board may be disposed in the container. The switch may be manually closed, with the container closed, to energize electrical circuitry on the board. Such energizing may illuminate a member (e.g. LED) preferably disposed on the body portion and optically coupled to a display member to illuminate an individual design on the display member. The display member may be attached to the continuous front external surface of the body portion. Alternatively, the hat may have a band on the internal surface of the body portion. A switch on the band may become automatically closed to illuminate the LED when the body portion is disposed on a wearer's head. Straps on the separable rear sections of the body portion may converge the

rear sections when detents on these sections are engaged. A member (e.g. another LED) on one of the straps may become illuminated by the switch closure to illuminate such strap. The strap may illuminate a design on a display member optically coupled to such strap. Applicant's invention differs in that a display member is not utilized but rather a single light source is secured to the crown or top of the cap or helmet.

5,541,816

This patent is directed to a clip light source constructed to be mountable onto a brim of a hat includes a light source housing for housing a light source and a battery housing electrically coupled to the light source housing. The light source housing and the battery housing are mounted to the brim of the hat such that the brim is intermediate the light source housing and the battery housing when mounted thereon. The light source housing can rotate 360 degrees about a plane parallel to the brim of the hat. In contradistinction, applicant's light source is permanently secured to the cap or hat with which it is associated.

5,510,961

This patent is directed to a cap structure with sound recording and generating means and warning lights includes digitalized sound recording and releasing means and light emitting diodes in a visor. A battery set and a circuit board are installed on the visor. The light emitting diodes may also be arranged on the ring of a crownless cap. Applicant's invention differs in that the visor of the cap is not utilized. Rather the light source is affixed to the crown of the cap or the top of the helmet without sound means.

5,404,593

This patent is directed to a headwear piece having a crown defining a receptacle for the head of a wearer and illumination structure on the crown for projecting an unfocused light as an adornment to the crown to be visible from externally of the crown. While this patent teaches a single light source affixed to the crown of a cap, the specific means for so doing, in accordance with applicant's invention is not disclosed and or made obvious.

Des. 318,338

This patent is directed to the ornamental design for an illuminated cap, and has no details of construction as to how a light source is to be secured to the crown of the cap or helmet of applicant's invention.

4,991,068

This patent is directed to, in combination, a baseball style cap having a crown portion, a bill portion, and a portion for mounting a high intensity lamp to the bill portion. The mounting portion comprises a relatively stiff steel support rod having a first end bent so as to be located in a plane parallel to the bill of the hat for attachment thereto. Another portion of the support extends in an upwardly angled direction from the first end, and a second end extends substantially normal to a plane defined by the first end. The portion of the support bent in an upwardly angled direction and the connection portion are attached to an outer surface of the lamp for receiving the second end of the lamp support. The connection portion comprises an outer non-resilient tube bonded to the lamp and an inner resilient tube inserted into the outer tube. The second end of the lamp support is press-fit into the inner tube to establish a pivotable connection between the lamp and the lamp support and having a fit such that the lamp is retained in an angular orientation into which it

is manually positioned. Applicant's light source as well as its mounting to the cap is entirely different than the disclosure in this reference.

3,032,647

This patent is directed to small, compact flashlights, and especially to a flashlight particularly adapted to be attached to the visor of a cap, hat or the like. Applicant's inventive cap does not have a light affixed to the visor of the cap.

EP 1 072 204 A2

This patent is directed to a cap having a lantern, and more particularly to a cap having a lantern, which can emit light in a direction coinciding with a worker's line of vision without blocking the worker's visual field, and whose lighting direction can be adjusted, so that a worker can perform labor more easily and safely even in dark environment. In contradistinction, applicant's light and cap construction is not intended as a working light, but rather as a safety or warning light and thus its affixation and securement differs.

Also attached is an Information Disclosure Statement setting forth the entire results of the performed search. The Statement is accompanied by copies of all of the references found including those accompanying this petition.

Applicant is submitting the appropriate fee under 37 C.F.R. 1.17(i) in the amount of \$130.00.

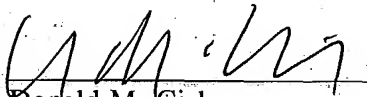
In complying with the requirements of the present petition and in particularly setting forth the patentability of his claims, Applicant believes the application is in condition for allowance. Applicant respectfully requests the Examiner to pass the application onto allowance at an early date. It is not believed that any additional fees are due, however, in the event any additional fees

are due, the Examiner is authorized to charge Applicant's Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: 7-1-, 2003


Donald M. Cislo
Reg. No. 22,060

Enclosures

Application and all its parts listed on the Transmittal

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I hereby certify that this correspondence is being deposited with the United States Postal
Service as Express mail in an envelope addressed to:

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Re: Petition to Make Special

on 7-1-03
Donald M. Cislo, Reg. No. 22,060 7-1-03
Date